

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

WILLIAM L. KOVACS
SENIOR VICE PRESIDENT
ENVIRONMENT, TECHNOLOGY &
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May 31, 2011

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Application Filed by AT&T, Inc. and Deutsche Telekom AG for Consent to Assign or Transfer Control of Licenses and Authorizations, WT Docket No. 11-65*

Dear Ms. Dortch:

The U.S. Chamber of Commerce, the world's largest business federation, representing the interests of more than three million businesses and organizations of every size, sector, and region, is pleased to submit these comments to the Federal Communications Commission ("Commission") in the above-captioned proceeding.¹ The Chamber urges the Commission to recognize that given these turbulent economic times, federal agencies need to be especially aware that their regulatory decisions impact private-sector investment and the creation of jobs in our economy. Therefore, while the Chamber does not take a position on the merits of any particular transaction, we strongly urge the Commission to review the proposed AT&T/T-Mobile transaction in a manner that ensures a timely decision.

To fulfill the responsibilities given to the agency by Congress and to provide impacted stakeholders with certainty, the Chamber urges the Commission, in this and all of its regulatory proceedings, to promptly provide stakeholders all rights available under applicable law and thereafter expeditiously decide the issue. Such prompt action will help bring about the needed regulatory certainty that will result in investment and job creation.

The Chamber urges the Commission to be mindful of the dangers of leaving any application in regulatory purgatory. As has been seen in the past, regulatory indecision can destroy shareholder value and threaten a business' ability to effectively operate. A regulatory proceeding usually creates some amount of uncertainty for the parties that will be impacted by the outcome. However, once regulatory uncertainty becomes too great, investors may revolt and

¹ Public Notice, *AT&T Inc. and Deutsche Telekom AG Seek FCC Consent to the Transfer of Control of the Licenses and Authorizations Held by T-Mobile USA, Inc. and its Subsidiaries to AT&T Inc.*, WT Docket No. 11-65, DA 11-799 (rel. Apr. 28, 2011).

the entire business plan may unravel without ever having received a decision on the merits by the regulator. Therefore, a properly-conducted regulatory review should aim to minimize this uncertainty while providing all sides with ample opportunity to present their concerns.

Regulatory uncertainty must not be allowed to derail the tremendous growth in wireless services, including mobile broadband. Jobs and new business opportunities are being created because mobile providers are investing tens of billions of dollars every year to upgrade their networks allowing for higher speeds and greater capacity, and, at the same time, innovative broadband-enabled applications, services, and devices are being developed. For example, over 300,000 mobile applications are available from at least ten stores.² According to CTIA, mobile innovation supports 2.4 million U.S. jobs and contributes \$100 billion annually to U.S. GDP.³

Despite the weak economy, the wireless industry invested more than \$71 billion in their networks from 2008 through 2010.⁴ This continued high-level investment is needed because U.S. mobile data traffic is expected to increase by 21 times from 2010 to 2015.⁵ In 2011 alone, video will comprise over 60% of mobile network traffic, up from approximately 40% in 2010.⁶ As consumers embrace tablets, smart appliances, and other wireless broadband-enabled devices, mobile network traffic will soar. Mobile-connected tablets will generate as much traffic in 2015 as the entire global mobile network in 2010, growing over 205-fold over that same time period.⁷

Today our nation faces many significant challenges, but no priority is more important than job creation. The Chamber views broadband as a means to stimulate jobs and foster economic growth. Businesses, regardless of size or location, can use broadband technology to sell to customers around the country and the world. To react to global and domestic marketplace developments, U.S. businesses must have the ability to innovate and develop new business models. In situations where regulatory review is needed, the Chamber urges the Commission to ensure that its policies stimulate—not hinder—employment and investment in the United States.

² Reply Comments of CTIA-The Wireless Association, WT Docket No. 10-133, Aug. 16, 2010.

³ CTIA-The Wireless Association, GN Docket No. 09-51, WT Docket Nos. 08-165, 09-66, July 9, 2009.

⁴ Press Release, *Capital Expenditure Figures From Leading Trade Groups Show Providers Have Invested More Than \$250 Billion Since 2008*, Broadband for America, May 19, 2011.

⁵ Press Release, *Cisco Visual Networking Index Forecast Projects 26-Fold Growth in Global Mobile Data Traffic From 2010 to 2015*, Cisco Systems, Inc., Feb. 1, 2011, available at http://newsroom.cisco.com/mobile/dlls/2011/prod_013111.html. (“Cisco Visual Networking Index Forecast”).

⁶ Press Release, *Bytemobile Forecasts Video to Account for More than 60% of Total Mobile Network Traffic in 2011*, Bytemobile, Inc., Jan. 17, 2011, available at http://www.bytemobile.com/news-events/2011/archive_170111.html.

⁷ *Cisco Visual Networking Index Forecast*.

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Thank you for the opportunity to participate in this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Kovacs", is centered on a light gray rectangular background.

William L. Kovacs